

HOUSE JOURNAL

EIGHTY-SECOND LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SEVENTY-FIFTH DAY (CONTINUED) — FRIDAY, MAY 13, 2011

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 1042).

Present — Mr. Speaker; Aliseda; Allen; Alonzo; Alvarado; Anchia; Anderson, C.; Anderson, R.; Aycock; Beck; Berman; Bohac; Bonnen; Branch; Brown; Burkett; Burnam; Button; Cain; Callegari; Carter; Castro; Chisum; Christian; Coleman; Cook; Craddick; Creighton; Crownover; Darby; Davis, J.; Davis, S.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; Eissler; Elkins; Farias; Farrar; Fletcher; Flynn; Frullo; Gallego; Garza; Geren; Giddings; Gonzales, L.; Gonzales, V.; Gonzalez; Gooden; Guillen; Gutierrez; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hernandez Luna; Hilderbran; Hochberg; Hopson; Howard, C.; Howard, D.; Huberty; Hughes; Hunter; Isaac; Jackson; Johnson; Keffer; King, P.; King, S.; King, T.; Kleinschmidt; Kolkhorst; Kuempel; Landtroop; Larson; Laubenberg; Lavender; Legler; Lewis; Lucio; Lyne; Madden; Mallory Caraway; Margo; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Miller, D.; Miller, S.; Morrison; Muñoz; Murphy; Naishtat; Nash; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Perry; Phillips; Pickett; Pitts; Price; Quintanilla; Raymond; Reynolds; Riddle; Ritter; Rodriguez; Schwertner; Scott; Sheets; Sheffield; Shelton; Simpson; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Taylor, L.; Taylor, V.; Thompson; Torres; Truitt; Turner; Veasey; Villarreal; Vo; Walle; Weber; White; Woolley; Workman; Zedler; Zerwas.

Absent, Excused — Lozano; Marquez.

The invocation was offered by Phillip Fenton, pastor, St. Paul's Evangelical Lutheran Church, Brenham.

The speaker recognized Representative Kolkhorst who led the house in the pledges of allegiance to the United States and Texas flags.

CAPITOL PHYSICIAN

The speaker recognized Representative Scott who presented Dr. Jean-Jaques Carr of Robstown as the "Doctor for the Day."

The house welcomed Dr. Carr and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence for today because of important business in the district:

Lozano on motion of Guillen.

Marquez on motion of Raymond.

(Hunter in the chair)

**HR 1616 - ADOPTED
(by Gooden)**

Representative Gooden moved to suspend all necessary rules to take up and consider at this time **HR 1616**.

The motion prevailed.

The following resolution was laid before the house:

HR 1616, Honoring Chase Beavers of Terrell High School for his achievements as the 2010-2011 governor of the Texas-Oklahoma District of Key Club International.

(Chisum in the chair)

HR 1616 was adopted.

(Speaker pro tempore in the chair)

**LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
SECOND READING**

The following bills were laid before the house, read second time, and passed to third reading, and the following resolutions were laid before the house on committee report and adopted (members registering votes are shown following the caption):

HB 142 (by Laubenberg), A bill to be entitled An Act relating to the practice of psychological associates. (C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Hancock, Harless, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kuempel, Phillips, T. Smith, Solomons, Truitt, and White recorded voting no.)

CSHB 161 (by Raymond), A bill to be entitled An Act relating to the dissemination of criminal history record information by the Department of Public Safety concerning certain intoxication offenses. (Aycock, Beck, Harper-Brown, Landtroop, Laubenberg, Madden, Paxton, Perry, Sheets, Sheffield, and Zedler recorded voting no.)

CSHB 167 (by Raymond), A bill to be entitled An Act relating to the transportation of certain mental health patients. (Cain recorded voting no.)

CSHB 427 (by Driver), A bill to be entitled An Act relating to the creation of the Rowlett Waterfront Entertainment Management District; providing authority to impose a tax, levy an assessment, and issue bonds. (Berman, Carter, Craddick, Darby, Flynn, Frullo, Geren, Hamilton, P. King, Legler, Parker, Shelton, V. Taylor, and Zerwas recorded voting no.)

CSHB 695 (by Allen, Reynolds, et al.), A bill to be entitled An Act relating to the establishment of a program for the collection, transportation, recycling, and disposal of mercury-added thermostats. (R. Anderson, Aycocock, Bonnen, Brown, Carter, Chisum, Christian, Cook, J. Davis, Eissler, Hancock, Harless, Harper-Brown, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Landtroop, Laubenberg, Paxton, Perry, Phillips, Simpson, T. Smith, Solomons, Truitt, and Zedler recorded voting no.)

CSHB 737 (by Otto), A bill to be entitled An Act relating to the East Montgomery County Improvement District.

SB 604 (Gonzalez, Gallego, Quintanilla, Pickett, and Marquez - House Sponsors), in lieu of **HB 778**, A bill to be entitled An Act relating to the execution of lawful process by county jailers.

Representative Gonzalez moved to lay **HB 778** on the table subject to call, and the motion prevailed.

CSHB 995 (by Gutierrez), A bill to be entitled An Act relating to provision by the secretary of state of notice to a candidate of the form of the candidate's name that will appear on the general election ballot. (Beck and Sheffield recorded voting no.)

HB 1119 (by Weber), A bill to be entitled An Act relating to the maintenance tax rate of the Brazoria County Conservation and Reclamation District Number Three. (C. Anderson, R. Anderson, Bonnen, Brown, Burkett, Cain, Carter, Chisum, Christian, Cook, J. Davis, Eissler, Frullo, Geren, Hancock, Harless, Harper-Brown, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Laubenberg, Paxton, Phillips, Simpson, T. Smith, Solomons, Truitt, and Zedler recorded voting no.)

SB 564 (Gallego - House Sponsor), in lieu of **HB 1177**, A bill to be entitled An Act relating to the election of members of the board of directors of the Middle Pecos Groundwater Conservation District.

Representative Gallego moved to lay **HB 1177** on the table subject to call, and the motion prevailed.

CSHB 1234 (by D. Miller), A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax. (Berman, Burkett, Carter, Flynn, Frullo, Madden, Sheffield, and White recorded voting no.)

HB 1241 (by Zedler), A bill to be entitled An Act relating to surety bond requirements for reserve deputy constables.

SB 248 (Landtroop - House Sponsor), in lieu of **HB 1324**, A bill to be entitled An Act relating to the regulation of public grain warehouse operators. (White recorded voting no.)

Representative Landtroop moved to lay **HB 1324** on the table subject to call, and the motion prevailed.

SB 1121 (Lyne - House Sponsor), in lieu of **HB 1339**, A bill to be entitled An Act relating to the student fees for the university center at Midwestern State University. (Carter, Frullo, Simpson, and White recorded voting no.)

Representative Lyne moved to lay **HB 1339** on the table subject to call, and the motion prevailed.

SB 628 (Chisum - House Sponsor), in lieu of **HB 1416**, A bill to be entitled An Act relating to the authority of the Childress County Hospital District to provide facilities and services for persons who are elderly or disabled; providing authority to issue bonds and notes.

Representative Chisum moved to lay **HB 1416** on the table subject to call, and the motion prevailed.

CSHB 1544 (by Hunter and Torres), A bill to be entitled An Act relating to the design of specialty license plates issued to members and former members of the United States armed forces.

CSHB 1563 (by Flynn), A bill to be entitled An Act relating to the period of time between certain local option elections to legalize or prohibit the sale of alcoholic beverages. (C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Geren, Hancock, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, T. Smith, and Solomons recorded voting no.)

CSSB 810 (Hunter - House Sponsor), in lieu of **HB 1586**, A bill to be entitled An Act relating to the boundaries of the Ingleside Cove Wildlife Sanctuary.

Representative Hunter moved to lay **HB 1586** on the table subject to call, and the motion prevailed.

CSHB 1646 (by Gallego), A bill to be entitled An Act relating to representation of certain applicants for writs of habeas corpus in cases involving the death penalty. (R. Anderson, Beck, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Hancock, Harless, Harper-Brown, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Landtroop, Laubenberg, Paxton, Perry, Phillips, T. Smith, Solomons, and Truitt recorded voting no.)

HB 1745 (by Coleman and Alvarado), A bill to be entitled An Act relating to the authority of certain municipalities to impose term limits on the members of their governing bodies. (Harper-Brown, Simpson, and White recorded voting no.)

HB 1897 (by Flynn), A bill to be entitled An Act relating to the jurisdiction of, number of jurors in, and the clerk serving the County Court at Law of Van Zandt County.

CSHB 1921 (by Pickett), A bill to be entitled An Act relating to the composition of a board of directors of a regional mobility authority created by a municipality. (C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Hancock, Harless, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, T. Smith, Solomons, Truitt, and Zedler recorded voting no.)

SB 1492 (Hilderbran - House Sponsor), in lieu of **HB 1945**, A bill to be entitled An Act relating to the election of directors of the Real-Edwards Conservation and Reclamation District.

Representative Hilderbran moved to lay **HB 1945** on the table subject to call, and the motion prevailed.

HB 1969 (by Christian), A bill to be entitled An Act relating to the applicability of commercial fertilizer regulations to a substance containing animal manure or plant remains. (Chisum, J. Davis, Harless, Harper-Brown, Hilderbran, Hopson, Hunter, Kolkhorst, T. Smith, Solomons, Truitt, and Zedler recorded voting no.)

SB 533 (Gallego - House Sponsor), in lieu of **HB 1989**, A bill to be entitled An Act relating to the minimum standards for the certifications of sexual assault training programs and sexual assault nurse examiners and for certification renewal by those entities.

Representative Gallego moved to lay **HB 1989** on the table subject to call, and the motion prevailed.

SB 1356 (Hardcastle - House Sponsor), in lieu of **HB 1991**, A bill to be entitled An Act relating to the repeal of certain laws regulating the registration of animal tattoo marks with the Department of Public Safety of the State of Texas.

Representative Hardcastle moved to lay **HB 1991** on the table subject to call, and the motion prevailed.

SB 1357 (Hardcastle - House Sponsor), in lieu of **HB 1993**, A bill to be entitled An Act relating to the redemption and impoundment of estrays.

Representative Hardcastle moved to lay **HB 1993** on the table subject to call, and the motion prevailed.

CSHB 2089 (by Smithee), A bill to be entitled An Act relating to the resolution of overpayment or underpayment of income benefits under the workers' compensation program.

CSHB 2093 (by Thompson), A bill to be entitled An Act relating to the operation and regulation of certain consolidated insurance programs. (C. Anderson, R. Anderson, Aycok, Beck, Bonnen, Brown, Chisum, Christian, Cook, Craddick, Darby, J. Davis, Eissler, Geren, Hamilton, Hancock, Harless, Hilderbran, Hopson, Huberty, Hunter, Isaac, Keffer, P. King, Kleinschmidt, Kolkhorst, Landtroop, Laubenberg, Legler, Parker, Paxton, Perry, Phillips, Shelton, Simpson, T. Smith, Solomons, Truitt, White, Zedler, and Zerwas recorded voting no.)

HB 2104 (by Jackson), A bill to be entitled An Act relating to the amount of the bond for county taxes required to be given by the county assessor-collector for certain counties.

HB 2169 (by Aycock), A bill to be entitled An Act relating to the authority of the governing body of a taxing unit to rescind a discount for early payment of ad valorem taxes. (Berman, Bohac, Fletcher, Flynn, Harper-Brown, Laubenberg, Madden, Paxton, Riddle, Schwertner, Sheffield, Simpson, and V. Taylor recorded voting no.)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR (consideration continued)

SB 1385 (Oliveira - House Sponsor), in lieu of **HB 2208**, A bill to be entitled An Act relating to the authority of the chief appraiser of an appraisal district or the collector for a taxing unit to waive penalties for failing to file certain documents.

Representative Oliveira moved to lay **HB 2208** on the table subject to call, and the motion prevailed.

SB 1496 (R. Anderson - House Sponsor), in lieu of **HB 2254**, A bill to be entitled An Act relating to the scope and validity of correction instruments in the conveyance of real property.

Representative R. Anderson moved to lay **HB 2254** on the table subject to call, and the motion prevailed.

CSHB 2338 (by Paxton, Cain, and Zedler), A bill to be entitled An Act relating to the posting on the Internet by the county assessor-collector of information regarding ad valorem tax rates.

CSHB 2369 (by Quintanilla, Chisum, Margo, Garza, et al.), A bill to be entitled An Act relating to the accreditation of training programs and examinations for certain emergency medical services personnel. (Kuempel recorded voting no.)

CSHB 2417 (by Flynn), A bill to be entitled An Act relating to the Texas Code of Military Justice.

CSHB 2446 (by Allen), A bill to be entitled An Act relating to the release of confidential physician-patient communications in certain circumstances. (R. Anderson, Craddick, Darby, Frullo, Geren, Hamilton, P. King, Legler, Parker, Price, Shelton, and Zerwas recorded voting no.)

SB 1150 (Frullo - House Sponsor), in lieu of **HB 2498**, A bill to be entitled An Act relating to requiring certain non-ERCOT utilities to comply with energy efficiency goals. (White recorded voting no.)

Representative Frullo moved to lay **HB 2498** on the table subject to call, and the motion prevailed.

HB 2635 was withdrawn.

CSHB 2688 (by Lucio and Patrick), A bill to be entitled An Act relating to tuition and scholarships and fee exemptions for certain members of the armed services and certain military veterans attending institutions of higher education. (Laubenberg and Paxton recorded voting no.)

CSHB 2729 (by Callegari), A bill to be entitled An Act relating to local government contracts with private entities for civil works projects and improvements to real property.

CSHB 2788 (by Laubenberg), A bill to be entitled An Act relating to the donation of blood by persons who are at least 16 years of age.

CSHB 2819 (by S. King and Naishtat), A bill to be entitled An Act relating to the operation and efficiency of the eligibility determination process for supplemental nutrition assistance program benefits.

SB 1433 (Smithee - House Sponsor), in lieu of **HB 2834**, A bill to be entitled An Act relating to insurer receivership.

Representative Smithee moved to lay **HB 2834** on the table subject to call, and the motion prevailed.

CSHB 2917 (by McClendon), A bill to be entitled An Act relating to the optional county fee in certain counties for the county road and bridge fund. (C. Anderson, R. Anderson, Berman, Bohac, Bonnen, Branch, Brown, Cain, Carter, Chisum, Christian, Cook, Craddick, Darby, J. Davis, Eissler, Fletcher, Flynn, Frullo, Geren, Hamilton, Hancock, Harless, Harper-Brown, Hilderbran, Hopson, Huberty, Hunter, Keffer, P. King, Kleinschmidt, Kolkhorst, Kuempel, Landtroop, Laubenberg, Legler, Madden, Murphy, Parker, Paxton, Perry, Phillips, Riddle, Sheets, Sheffield, Shelton, T. Smith, Solomons, Truitt, White, Zedler, and Zerwas recorded voting no.)

HB 2931 was withdrawn.

HB 2967 was withdrawn.

HB 3022 (by Flynn), A bill to be entitled An Act relating to the appointment of a bailiff for the 196th District Court.

Representative Flynn moved to lay **HB 3022** on the table subject to call, and the motion prevailed.

SB 1608 (Rodriguez - House Sponsor), in lieu of **HB 3091**, A bill to be entitled An Act relating to operating a motor vehicle without a driver's license or financial responsibility; creating a penalty. (Alonzo, C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Geren, Hancock, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Phillips, T. Smith, Solomons, and Zedler recorded voting no.)

Representative Rodriguez moved to lay **HB 3091** on the table subject to call, and the motion prevailed.

CSHB 3123 (by Thompson and Parker), A bill to be entitled An Act relating to codifying federal foster care funding requirements to locate and provide information to relatives and other adults following the removal of a child by the Department of Family and Protective Services, and court findings regarding those efforts.

CSHB 3172 (by Gonzalez, V. Gonzales, Lucio, and Hartnett), A bill to be entitled An Act relating to protective orders.

HB 3199 (by Cain), A bill to be entitled An Act relating to the repeal of requirements and penalties related to the grading of roses.

**HB 2635 - MOTION TO RECONSIDER
SPREAD ON JOURNAL**

On motion of Representative Kolkhorst, the motion to reconsider the vote by which **HB 2635** was withdrawn was spread on the journal.

HB 2635 - NOTICE GIVEN

Pursuant to the provisions of Rule 7, Section 44 of the House Rules, Representative Kolkhorst gave notice that she would, on the next legislative day, call from the journal the motion to reconsider the vote by which **HB 2635** was withdrawn.

CSHB 3324 (by McClendon and Thompson), A bill to be entitled An Act relating to the operations and monitoring of fusion centers in this state.

HB 3352 (by W. Smith), A bill to be entitled An Act relating to the sale of park land owned by certain municipalities.

HB 3371 (by S. King), A bill to be entitled An Act relating to the exemption of registered dental laboratories from certain distributing and manufacturing licensing requirements.

CSHB 3410 (by Smithee), A bill to be entitled An Act relating to the managing underwriters for surplus lines insurance transactions and to the collection of surplus lines insurance premium taxes for those transactions. (Cain recorded voting no.)

HB 3422 was deferred until the end of today's local, consent, and resolutions calendar.

HB 3423 (by Lozano), A bill to be entitled An Act relating to certain criminal offenses committed in relation to a federal special investigator; providing criminal penalties.

SB 1241 (Jackson - House Sponsor), in lieu of **HB 3442**, A bill to be entitled An Act relating to authorizing certain courts to access information in the juvenile justice information system.

Representative Jackson moved to lay **HB 3442** on the table subject to call, and the motion prevailed.

SB 1242 (Jackson - House Sponsor), in lieu of **HB 3443**, A bill to be entitled An Act relating to the judicial immunity and powers of certain magistrates.

(L. Taylor in the chair)

Representative Jackson moved to lay **HB 3443** on the table subject to call, and the motion prevailed.

CSHB 3453 (by Anchia), A bill to be entitled An Act relating to the regulatory authority of the consumer credit commissioner. (C. Anderson recorded voting no.)

SB 1229 (Eiland - House Sponsor), in lieu of **HB 3458**, A bill to be entitled An Act relating to the registration with the Texas Department of Insurance of certain contract examiners.

Representative Eiland moved to lay **HB 3458** on the table subject to call, and the motion prevailed.

(Speaker pro tempore in the chair)

CSHB 3462 (by Margo, Pickett, Marquez, and Gonzalez), A bill to be entitled An Act relating to the board of hospital managers of the El Paso County Hospital District.

Amendment No. 1

Representative Margo offered the following amendment to **CSHB 3462**:

Amend **CSHB 3462** (house committee printing) as follows:

(1) On page 1, lines 9 and 10, strike "and for approval to the board following notice and public hearing".

(2) On page 1, line 19, strike ";" and substitute "; or".

(3) On page 1, strike lines 20 and 21.

(4) On page 1, line 22, strike "(4)" and substitute "(3)".

(5) On page 1, line 22, strike "first" and substitute "third".

(6) On page 2, line 1, strike "Subdivision (1), (2), or (3)" and substitute "Subdivision (1) or (2)".

(7) On page 2, strike lines 17-19, and substitute the following:

(b) A resignation under Subsection (a) is effective immediately on the date the absence, disqualifying conduct, or ineligibility specified [~~or refusal prescribed~~] by Subsection (a) occurs or exists.

Amendment No. 1 was adopted.

HB 3486 (by V. Taylor), A bill to be entitled An Act relating to municipal regulation of dogs used for search and rescue or law enforcement purposes. (Sheffield recorded voting no.)

HB 3488 (by Menendez, et al.), A bill to be entitled An Act relating to the requirements for demonstrating eligibility for an ad valorem tax exemption for the residence homestead of an elderly or disabled person.

SB 816 (Lucio - House Sponsor), in lieu of **HB 3560**, A bill to be entitled An Act relating to the appointment and recommendations of the Border Trade Advisory Committee.

Representative Lucio moved to lay **HB 3560** on the table subject to call, and the motion prevailed.

HB 3578 (by L. Gonzales), A bill to be entitled An Act relating to clarification of the authorized uses for loans under public institution of higher education emergency loan programs.

HB 3579 (by L. Gonzales), A bill to be entitled An Act relating to repayment assistance for certain physician education loans.

HB 3580 (by Frullo), A bill to be entitled An Act relating to the issuance of specialty license plates for surviving spouses of disabled veterans of the United States armed forces.

CSHB 3589 (by Hancock), A bill to be entitled An Act relating to claim-handling deadlines in the event of certain weather-related catastrophes or natural disasters.

SB 1327 (D. Howard - House Sponsor), in lieu of **HB 3591**, A bill to be entitled An Act relating to the confidentiality of information obtained by a compliance office of an institution of higher education.

Representative D. Howard moved to lay **HB 3591** on the table subject to call, and the motion prevailed.

CSHB 3597 (by Larson), A bill to be entitled An Act relating to the powers and duties of certain public improvement districts operated by counties. (Simpson recorded voting no.)

CSHB 3611 (by Truitt), A bill to be entitled An Act relating to the administration of medication for persons with intellectual and developmental disabilities. (C. Anderson, R. Anderson, Bonnen, Brown, Chisum, Christian, Cook, J. Davis, Eissler, Geren, Hancock, Hilderbran, Hopson, Huberty, Hunter, Keffer, Kolkhorst, Kuempel, Laubenberg, Paxton, Phillips, T. Smith, Solomons, and Zedler recorded voting no.)

Amendment No. 1

Representative Truitt offered the following amendment to **CSHB 3611**:

Amend **CSHB 3611** (house committee printing) as follows:

- (1) On page 6, line 15, strike ", and must end on August 31, 2012".
- (2) On page 7, line 10, strike "2013" and substitute "2015".

Amendment No. 1 was adopted.

CSHB 3696 (by Gallego), A bill to be entitled An Act relating to concurrent state and federal jurisdiction over units of the national park system in this state. (Price recorded voting no.)

HB 3799 was deferred until the end of today's local, consent, and resolutions calendar.

CSHB 3812 (by C. Howard), A bill to be entitled An Act relating to the powers and duties of the Imperial Redevelopment District; providing authority to impose a tax and issue bonds. (Berman, Flynn, and Harper-Brown recorded voting no.)

HB 3813 (by Isaac), A bill to be entitled An Act relating to the Hudson Ranch Fresh Water Supply District No. 1.

SB 1886 (Phillips - House Sponsor), in lieu of **HB 3825**, A bill to be entitled An Act relating to the Fannin County Juvenile Board.

Representative Phillips moved to lay **HB 3825** on the table subject to call, and the motion prevailed.

HB 3829 (by C. Anderson), A bill to be entitled An Act relating to gifts and donations to the McLennan County Juvenile Board.

HB 3837 (by Isaac), A bill to be entitled An Act relating to the designation of a portion of U.S. Highway 183 as the Cpl. Jason K. LaFleur Memorial Highway.

HB 3840 (by Parker), A bill to be entitled An Act relating to the extension of the deadline for holding the confirmation and initial directors' election of the Tradition Municipal Utility District No. 2 of Denton County.

CSHB 3841 (by Martinez), A bill to be entitled An Act relating to the designation of a portion of Farm-to-Market Road 907 in Hidalgo County as Rudy Villarreal Road.

HB 3842 (by Callegari), A bill to be entitled An Act relating to the creation of the Bridgeland Management District; providing authority to levy an assessment, impose a tax, and issue bonds. (Berman, Flynn, Harper-Brown, and V. Taylor recorded voting no.)

HB 3842 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE FARRAR: Mr. Callegari, could you read aloud the Section 39 in your bill? You might want to follow—it's on page 4 and 5 of your bill.

REPRESENTATIVE CALLEGARI: Section 4—what is it again?

FARRAR: 3901.

CALLEGARI: What page?

FARRAR: It's spread between 4—page 4 and page 5, 3901.008.

CALLEGARI: Eligibility for inclusion in special zones. All of any part of the area of the district eligible to be included in: a tax reinvestment zone created in Chapter 311, Tax Code, a tax abatement reinvestment zone created under Chapter 312, Tax Code, an enterprise zone created under Chapter 2203, Government Code, or an industrial industry created under Chapter 42, Local Government Code.

FARRAR: Okay, I'm familiar with these management districts, I've passed one myself. Do you believe that this management district will create a new tax to pay for the services that will be provided in that area?

CALLEGARI: Yes.

FARRAR: And—do you know—have any idea how many businesses—and I assume this is like others, where it's just businesses that are taxed—

CALLEGARI: I don't know if there are any businesses—there's no businesses right now.

FARRAR: Pardon me?

CALLEGARI: There are no businesses there now, it's a new district.

FARRAR: Okay, so who will the tax be assessed onto?

CALLEGARI: The businesses that will be in the district.

FARRAR: That will be in there, okay.

CALLEGARI: Correct.

FARRAR: Residents are not taxed like most management districts, right?

CALLEGARI: The residents are not taxed.

FARRAR: Will the businesses that will be in the area be allowed to decide whether or not to be taxed by the management district?

CALLEGARI: I don't think so—I don't recall.

FARRAR: Okay, I'm just—

CALLEGARI: This is a standard district that's been formed numerous times in this previous district—previous sessions.

FARRAR: All right. And, I understand it's the position of the Republican Party that no new taxes will be raised this session?

CALLEGARI: Maybe.

FARRAR: And this, perhaps, goes against that.

CALLEGARI: Yes, it does.

FARRAR: If it does—okay.

REMARKS ORDERED PRINTED

Representative Farrar moved to print remarks between Representative Callegari and Representative Farrar.

The motion prevailed.

REPRESENTATIVE ISAAC: I just want to clarify, you said there are no businesses in this district now?

CALLEGARI: Right.

ISAAC: So there are no businesses paying taxes in this district?

CALLEGARI: That is correct.

REMARKS ORDERED PRINTED

Representative Weber moved to print remarks between Representative Isaac and Representative Callegari.

The motion prevailed.

Amendment No. 1

Representative Callegari offered the following amendment to **HB 3842**:

Amend **HB 3842** (house committee report) as follows:

(1) On page 11, lines 2 through 4, strike "Sec. 3901.115. FIREFIGHTING AND EMERGENCY MEDICAL SERVICES. Subchapter L, Chapter 49, Water Code, applies to the district."

(2) On page 11, line 5, strike "3901.116" and substitute "3901.115".

(3) On page 11, line 13, strike "3901.117" and substitute "3901.116".

(4) On page 11, line 17, strike "3901.118" and substitute "3901.117".

(5) On page 11, line 19, strike "3901.119" and substitute "3901.118".

(6) On page 20, lines 17 through 21, strike "The district may impose a hotel occupancy tax for any district purpose, including to:

(1) maintain and operate the district;

(2) construct or acquire an improvement project; and

(3) provide a service."

and substitute "The district may impose a hotel occupancy tax for any purpose described by Section 351.101 or 352.101, Tax Code."

(7) On page 20, line 23, strike "the maximum rate prescribed by Section 352.003(a), Tax Code" and substitute "the lesser of:

(1) the maximum rate prescribed by Section 352.003(a), Tax Code; or

(2) a rate that, when added to the rates of all hotel occupancy taxes imposed by other political subdivisions with territory in the district and by this state, does not exceed the sum of the rate prescribed by Section 351.0025(b) plus two percent."

Amendment No. 1 was adopted.

HB 3843 (by Thompson), A bill to be entitled An Act relating to excluding certain territory from the Harris County Road Improvement District No. 2.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Hunter requested permission for the Committee on Calendars to meet while the house is in session, at 12 p.m. today, in 3W.9, to set a calendar.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Calendars, 12 p.m. today, 3W.9, for a formal meeting, to set a calendar.

LOCAL, CONSENT, AND RESOLUTIONS CALENDAR
(consideration continued)

HB 3844 (by Aycock), A bill to be entitled An Act relating to the creation of criminal law magistrates for Burnet County.

CSHB 3845 (by Sheffield), A bill to be entitled An Act relating to the powers of the CLL Municipal Utility District No. 1; providing authority to levy an assessment, impose a tax, and issue bonds. (Aycock, Berman, Flynn, Harper-Brown, and V. Taylor recorded voting no.)

CSHB 3845 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE FARRAR: Mr. Sheffield, for clarification, does this bill impose a fee or a tax?

REPRESENTATIVE SHEFFIELD: It's a brand new MUD district. In probably about 15 years down the road—and the people that will be imposed the tax will know the tax is there when they move into it.

FARRAR: Okay, right, so it does?

SHEFFIELD: Yes.

FARRAR: And, hasn't the republican agenda said that there will be no new taxes raised?

SHEFFIELD: I'm not imposing a new tax on anybody.

FARRAR: Well, I'm just saying, doesn't this conflict with that position?

SHEFFIELD: I don't believe it does.

FARRAR: Interesting. Okay, how will the proceeds of this tax be directed?

SHEFFIELD: I'm sure it will be directed for roads and everything else—services—like cities do now.

FARRAR: So, the assessments will pay for services.

REMARKS ORDERED PRINTED

Representative Farrar moved to print remarks between Representative Sheffield and Representative Farrar.

The motion prevailed.

REPRESENTATIVE WEBER: Ralph, this is about local control in a growing area where they elect a board of directors and they decide that they will actually choose their tax rate, is it not?

SHEFFIELD: Yes, it is.

REMARKS ORDERED PRINTED

Representative Weber moved to print remarks between Representative Sheffield and Representative Weber.

The motion prevailed.

REPRESENTATIVE ISAAC: Do you believe these MUD districts that are—again local control, people have 100 percent compliance with knowing their tax—but, a lot of these MUDs, they put in wastewater systems, are you aware of that?

SHEFFIELD: Correct.

ISAAC: Do you believe those wastewater systems are more environmentally friendly than people putting in septic systems?

SHEFFIELD: Most certainly, they are.

REMARKS ORDERED PRINTED

Representative Isaac moved to print remarks between Representative Sheffield and Representative Isaac.

The motion prevailed.

HB 3849 (by L. Taylor), A bill to be entitled An Act relating to the powers and duties of the Galveston County Municipal Utility District No. 6.

HB 3852 (by Pitts), A bill to be entitled An Act relating to the creation of the Midlothian Municipal Management District No. 2; providing authority to impose a tax, levy an assessment, and issue bonds. (Carter and V. Taylor recorded voting no.)

HB 3856 (by Naishtat), A bill to be entitled An Act relating to the proceedings that may be referred to and the powers of a criminal law magistrate in Travis County. (Cain and Landtroop recorded voting no.)

HB 3858 (by Thompson), A bill to be entitled An Act relating to the jurisdiction of a county criminal court at law in Harris County.

HB 3859 (by Laubenberg), A bill to be entitled An Act relating to the creation of the Club Municipal Management District No. 1; providing authority to levy an assessment and issue bonds. (Berman, Flynn, and V. Taylor recorded voting no.)

HB 3861 (by Craddick), A bill to be entitled An Act relating to the creation of the Midland County Utility District; providing authority to impose a tax and issue bonds; granting a limited power of eminent domain.

Amendment No. 1

Representative Craddick offered the following amendment to **HB 3861**:

Amend **HB 3861** by striking all below the enacting clause and substituting the following:

SECTION 1. Subtitle I, Title 6, Special District Local Laws Code, is amended by adding Chapter 9016 to read as follows:

CHAPTER 9016. MIDLAND COUNTY UTILITY DISTRICT
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 9016.001. DEFINITIONS. In this chapter:

(1) "Board" means the district's board of directors.

(2) "Commission" means the Texas Commission on Environmental Quality.

(3) "County" means Midland County.

(4) "Director" means a board member.

(5) "District" means the Midland County Utility District.

(6) "Municipality" means a municipality in whose corporate limits or extraterritorial jurisdiction any part of the district is located.

Sec. 9016.002. NATURE OF DISTRICT. The district is a water control and improvement district created under Section 59, Article XVI, Texas Constitution.

Sec. 9016.003. CONFIRMATION AND DIRECTORS' ELECTION REQUIRED. The temporary directors shall hold an election to confirm the creation of the district and to elect five permanent directors as provided by Section 49.102, Water Code.

Sec. 9016.004. CONSENT OF MUNICIPALITY REQUIRED. The temporary directors may not hold an election under Section 9016.003 until each municipality has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district.

Sec. 9016.005. FINDINGS OF PUBLIC PURPOSE AND BENEFIT. (a) The district is created to serve a public purpose and benefit.

(b) The district is created to accomplish the purposes of a water control and improvement district as provided by general law and Section 59, Article XVI, Texas Constitution.

Sec. 9016.006. INITIAL DISTRICT TERRITORY. (a) The district is initially composed of the territory described by Section 2 of the Act enacting this chapter.

(b) The boundaries and field notes contained in Section 2 of the Act enacting this chapter form a closure. A mistake made in the field notes or in copying the field notes in the legislative process does not affect the district's:

(1) organization, existence, or validity;

(2) right to issue any type of bond for the purposes for which the district is created or to pay the principal of and interest on a bond;

(3) right to impose a tax; or

(4) legality or operation.

[Sections 9016.007-9016.050 reserved for expansion]

SUBCHAPTER B. BOARD OF DIRECTORS

Sec. 9016.051. GOVERNING BODY; TERMS. (a) Except as provided by Subsection (c), the district is governed by a board of five elected directors.

(b) Except as provided by Section 9016.052, directors serve staggered four-year terms.

(c) If the municipality annexes any part of the territory of the district, the municipality shall appoint one ex officio member to the board to serve as a sixth director.

Sec. 9016.052. TEMPORARY DIRECTORS. (a) The temporary board consists of:

(1) Shelton Viney;

(2) Susie Hitchcock-Hall;

(3) Alan Lang;

(4) David Orr; and

(5) Israel Rodriguez.

(b) Temporary directors serve until the earlier of:

(1) the date permanent directors are elected under Section 9016.003; or

(2) September 1, 2015.

(c) If permanent directors have not been elected under Section 9016.003 and the terms of the temporary directors have expired, successor temporary directors shall be appointed or reappointed as provided by Subsection (d) to serve terms that expire on the earlier of:

(1) the date permanent directors are elected under Section 9016.003; or

(2) the fourth anniversary of the date of the appointment or reappointment.

(d) If Subsection (c) applies, the owner or owners of a majority of the assessed value of the real property in the district may submit a petition to the commission requesting that the commission appoint as successor temporary directors the five persons named in the petition. The commission shall appoint as successor temporary directors the five persons named in the petition.

Sec. 9016.053. NOTICE OF MEETINGS. The district shall provide the municipality with written notice before a meeting of the board.

[Sections 9016.054-9016.100 reserved for expansion]

SUBCHAPTER C. POWERS AND DUTIES

Sec. 9016.101. GENERAL POWERS AND DUTIES. The district has the powers and duties necessary to accomplish the purposes for which the district is created.

Sec. 9016.102. WATER CONTROL AND IMPROVEMENT DISTRICT POWERS AND DUTIES. The district has the powers and duties provided by the general law of this state, including Chapters 49 and 51, Water Code, applicable to water control and improvement districts created under Section 59, Article XVI, Texas Constitution.

Sec. 9016.103. COMPLIANCE WITH MUNICIPAL CONSENT ORDINANCE OR RESOLUTION. The district shall comply with all applicable requirements of any ordinance or resolution that is adopted under Section 42.042, Local Government Code, and Section 9016.004 and that consents to the creation of the district or to the inclusion of land in the district.

Sec. 9016.104. COMPLIANCE WITH MUNICIPAL REGULATIONS. (a) Any water, sanitary sewer, drainage, or other infrastructure or public facilities constructed, acquired, improved, maintained, or operated by the district shall comply with any applicable regulations of the municipality in whose corporate limits or extraterritorial jurisdiction the infrastructure or facilities are located.

(b) Any water system constructed, acquired, improved, maintained, or operated by the district shall:

(1) comply with any applicable regulations of the municipality regarding specifications for rural density; and

(2) contain distribution lines that are:

(A) four inches or more in diameter; and

(B) sufficient to provide fire hydrant service according to the municipality's specifications for rural density.

Sec. 9016.105. COUNTY RIGHT-OF-WAY. The district must obtain the approval of the county's governing body of the plans and specifications of any facilities to be installed on property located in a county right-of-way.

Sec. 9016.106. LIABILITY. (a) Neither the county nor the municipality is liable for any claims arising from the operation of the district's water system or other actions or inactions of the district, including labor, safety, or signage, or contamination or other environmental issues.

(b) Any action taken by the municipality is a governmental function.

Sec. 9016.107. COSTS OF LINE RELOCATION. (a) The district is solely responsible for the expense associated with the relocation of any district water line required by:

(1) the county or a municipality; or

(2) a state or federal highway authority, including the Texas Department of Transportation and the Federal Highway Administration.

(b) The district will not unreasonably delay any requested line relocation.

Sec. 9016.108. SERVICES TO BE PROVIDED BY THE DISTRICT, COUNTY, OR MUNICIPALITY. (a) The district may enter into an interlocal contract with the county or municipality to provide governmental functions, including fire protection, trash collection and disposal, and ambulance service.

(b) Notwithstanding Subsection (a), the municipality is authorized to provide sewer and drainage service in the district. The municipality shall establish the amount of the fees to be charged to recipients of sewer and drainage service under this subsection.

(c) Notwithstanding Subsection (a), the district may not provide any services within the territorial limits of the municipality as those limits exist on September 1, 2011.

Sec. 9016.109. ANNEXATION BY MUNICIPALITY. (a) The municipality may annex a part of the territory of the district without annexing the entire territory of the district.

(b) If the municipality annexes all or part of the district:

(1) the annexed territory is not removed from the district; and

(2) the district is not:

(A) dissolved; or

(B) prevented from providing district services to the annexed territory.

(c) If any territory inside the district is annexed, the owner of the property shall pay the same rate of ad valorem tax to the municipality as other residents of the municipality.

(d) By annexing territory in the district, the municipality does not assume any debt of the district.

(e) The district may not contest an annexation by the municipality.

Sec. 9016.110. WATER SERVICE DEADLINE. The district must begin operation of a water system serving at least a part of the district not later than the sixth anniversary of the date that district voters approve the issuance of bonds to provide for the development of the water system.

Sec. 9016.111. LIMITATION ON USE OF EMINENT DOMAIN. The district may not exercise the power of eminent domain:

(1) outside the district to acquire a site or easement for a recreational facility as defined by Section 49.462, Water Code; or

(2) in the corporate limits of the municipality as those limits exist on September 1, 2011.

Sec. 9016.112. PROHIBITION ON DIVISION OF DISTRICT. The district may not divide into two or more districts.

[Sections 9016.113-9016.150 reserved for expansion]

SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

Sec. 9016.151. ELECTIONS REGARDING TAXES OR BONDS. (a) The district may issue, without an election, bonds and other obligations secured by:

(1) revenue other than ad valorem taxes; or

(2) contract payments described by Section 9016.153.

(b) The district must hold an election in the manner provided by Chapters 49 and 51, Water Code, to obtain voter approval before the district may impose an ad valorem tax or issue bonds payable from ad valorem taxes.

(c) The district may not issue bonds payable from ad valorem taxes to finance a road project unless the issuance is approved by a vote of a two-thirds majority of the district voters voting at an election held for that purpose.

Sec. 9016.152. OPERATION AND MAINTENANCE TAX. (a) If authorized at an election held under Section 9016.151, the district may impose an operation and maintenance tax on taxable property in the district in accordance with Section 49.107, Water Code.

(b) The board shall determine the tax rate. The rate may not exceed the rate approved at the election.

Sec. 9016.153. CONTRACT TAXES. (a) In accordance with Section 49.108, Water Code, the district may impose a tax other than an operation and maintenance tax and use the revenue derived from the tax to make payments under a contract after the provisions of the contract have been approved by a majority of the district voters voting at an election held for that purpose.

(b) A contract approved by the district voters may contain a provision stating that the contract may be modified or amended by the board without further voter approval.

[Sections 9016.154-9016.200 reserved for expansion]

SUBCHAPTER E. BONDS AND OTHER OBLIGATIONS

Sec. 9016.201. AUTHORITY TO ISSUE BONDS AND OTHER OBLIGATIONS. The district may issue bonds or other obligations payable wholly or partly from ad valorem taxes, impact fees, revenue, contract payments, grants, or other district money, or any combination of those sources, to pay for any authorized district purpose.

Sec. 9016.202. TAXES FOR BONDS. At the time the district issues bonds payable wholly or partly from ad valorem taxes, the board shall provide for the annual imposition of a continuing direct ad valorem tax, without limit as to rate or amount, while all or part of the bonds are outstanding as required and in the manner provided by Section 51.433, Water Code.

Sec. 9016.203. LIMITATION ON TAX RATE. Notwithstanding any other provision of this chapter, the projected combined operation, maintenance, and debt service tax rates as of the date of the issuance of any bonds, as described by the commission in a commission order approving the issuance of the bonds, may not exceed 65 cents for each \$100 of assessed valuation of property in the district.

Sec. 9016.204. BONDS AND OTHER OBLIGATIONS NOT TO BE PAID BY MUNICIPALITY OR COUNTY. Bonds or other obligations of the district:

(1) may not be paid wholly or partly by taxes imposed by the county or the municipality;

(2) are not debts of the county or municipality; and

(3) do not give rise to a claim against the county or municipality.

SECTION 2. The Midland County Utility District initially includes all the territory contained in the following area:

54,050 Acres of Land

Located in Various Sections and Blocks,

T&P RR Co. Survey, Midland County, Texas.

Boundary Being More Fully Described By Metes and Bounds As Follows:

BEGINNING at (Y= 10,677,038' and X= 1,736,917') a point in the west line of Section 7, Block 39, T2S and a southerly line of Midland city limits and being the most westerly northwest corner of this tract;

THENCE S 14°19' E, a distance of 2685 feet to the southwest corner of said Section 7 and being an ell corner of this tract;

THENCE N 75°10' E with the south right-of-way line of West County Road 120, a distance of 7031 feet to a point in the north line of Section 17 this block for a point of deflection of this tract;

THENCE S 64°46' E, a distance of 4725 feet to a point in the east line of said Section 17 and in the west right-of-way line of South County Road 1210 also being a point of deflection of this tract;

THENCE S 14°23' E with the west right-of-way line of said South County Road 1210, a distance of 6340 feet to a point in the north right-of-way line of West County Road 138 and being an ell corner of this tract;

THENCE S 75°41' W with the north right-of-way line of said West County Road 138, a distance of 3340 feet to a point in the west right-of-way line of South County Road 1216 and being an ell corner of this tract;

THENCE S 14°52' E with the west right-of-way line of said South County Road 1216, a distance of 1272 feet to a point in the north right-of-way line of West County Road 140 and being an ell corner of this tract;

THENCE S 75°29' W with the north right-of-way line of said West County Road 140, a distance of 1974 feet to a point near the northwest corner of Section 29, Block 39, T2S and being an ell corner of this tract;

THENCE S 14°16' E, a distance of 26,411 feet to a point near the southwest corner of Section 6, Block 39, T3S and being the most southerly southwest corner of this tract;

THENCE N 75°59' E, a distance of 15,901 feet to a point in the east right-of-way line of State Highway 349 and being the most southerly southeast corner of this tract;

THENCE N 14°08' W with the east right-of-way line of said State Highway 349, a distance of 18,548 feet to a point near the southwest corner of Condor Aviation Co. Inc. tract and being an ell corner of this tract;

THENCE N 75°17' E, a distance of 5227 feet to a point in the east line of Section 35, Block 39, T2S and being an ell corner of this tract;

THENCE N 14°23' W, a distance of 1604 feet to a point for an ell corner of this tract;

THENCE N 76°20' E, a distance of 5414 feet to a point in the east right-of-way line of Farm to Market Road 715 and being an ell corner of this tract;

THENCE N 14°21' W with the east right-of-way line of said Farm to Market Road 715, a distance of 664 feet to a point for an ell corner of this tract;

THENCE N 75°23' E, a distance of 2628 feet to a point in the west half of Section 24, Block 38, T2S and being an ell corner of this tract;

THENCE S 14°03' E, a distance of 8251 feet to a point for an ell corner of this tract;

THENCE N 76°09' E, a distance of 2658 feet to a point in the east right-of-way line of South County Road 1160 and being an ell corner of this tract;

N 14°22' W with the east right-of-way line of said South County Road 1160, a distance of 3359 feet to a point in the south right-of-way line of East County Road 160 and being an ell corner of this tract;

THENCE N 75°38' E with the south right-of-way line of said East County Road 160, a distance of 10,581 feet to a point near the southeast corner of Section 22, Block 38, T2S and being an ell corner of this tract;

THENCE N 14°07' W with the east line of said Section 22, a distance of 5353 feet to a point near the northeast corner of said Section 22 and being an ell corner of this tract;

THENCE N 75°40' E, a distance of 1381 feet to a point near the southeast corner of George V. Anderson Jr. tract and the southwest corner of Donna Johnson tract also being an ell corner of this tract;

THENCE N 14°03' W with the west line of said Donna Johnson tract and the east line of said George V. Anderson Jr. tract, a distance of 1926 feet to a point near the northwest corner of said Donna Johnson tract and being an ell corner of this tract;

THENCE N 75°43' E, a distance of 1355 feet to a point in the east right-of-way line of South County Road 1136 and being an ell corner this tract;

THENCE N 13°52' W with the east right-of-way line of said South County Road 1136, a distance of 8663 feet to a point in the southwesterly right-of-way of State Highway 158 and the south right-of-way line of East County Road 130 also being an ell corner of this tract;

THENCE N 75°27' E with the south right-of-way line of said East County Road 130, a distance of 3996 feet to a point for an ell corner of this tract;

THENCE N 13°57' W, a distance of 5272 feet to a point in the south right-of-way line of East County Road 120 and being an ell corner of this tract;

THENCE N 75°41' E with the south right-of-way line of said East County road 120, a distance of 14,750 feet to a point for an ell corner of this tract;

THENCE N 14°17' W, a distance of 5276 feet to a point near the northwest corner of Section 51, Block 37, T2S and being an ell corner of this tract;

THENCE N 74°54' E, a distance of 10,567 feet to a point in the east right-of-way line of Farm to Market Road 1379 and being the most easterly southeast corner of this tract;

THENCE N 13°59' W with the east right-of-way line of said Farm to Market Road 1379, a distance of 3955 feet to a point of deflection of this tract;

THENCE N 14°17' W, a distance of 20,565 feet to a point in the southeasterly right-of-way of Interstate Highway 20 and being the most easterly northeast corner of this tract;

THENCE S 59°40' W with the southeasterly right-of-way of said Interstate Highway 20, a distance of 22,345 feet to a point in the projection of North County Road 1120 and being a point of deflection of this tract;

THENCE N 14°09' W, a distance of 8118 feet to a point near the northeast Section 26, Block 38, T1S and being an ell corner of this tract;

THENCE S 75°33' W with the north line of said Section 26, a distance of 2741 feet to a point for an ell corner of this tract;

THENCE N 13°46' W, a distance of 3300 feet to a point for an ell corner of this tract;

THENCE S 75°45' W, a distance of 2696 feet to a point in the west line of Section 23 and the east line of Section 22, Block 38, T1S and being an ell corner of this tract;

THENCE S 14°37' E with the west line of said Section 23 and the east line of said Section 22, a distance of 668 feet to a point for an ell corner of this tract;

THENCE S 75°34' W, a distance of 7949 feet to a point near the middle of Section 21, Block 38, T1S and being an ell corner of this tract;

THENCE N 14°18' W, a distance of 2716 feet to a point in the north line of said Section 21 and being an ell corner of this tract;

THENCE S 75°23' W, a distance of 4294 feet to a point in the north line of Section 20, Block 38, T1S and being a point of deflection of this tract;

THENCE S 66°10' W, a distance of 3034 feet to a point in an easterly line of the Midland city limits and being the most northerly northwest corner of this tract;

THENCE S 14°33' E with said city limits, a distance of 5372 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 75°36' W with said city limits, a distance of 2511 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 14°34' E with said city limits, a distance of 180 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 75°36' W with said city limits, a distance of 835 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 14°34' E with said city limits, a distance of 3832 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 75°36' E with said city limits, a distance of 2208 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 14°34' W with said city limits, a distance of 1204 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 75°36' E with said city limits, a distance of 1138 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 15°14' E with said city limits, a distance of 645 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 75°36' E with said city limits, a distance of 4603 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 14°35' E with said city limits, a distance of 5122 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE N 75°37' E with said city limits, a distance of 659 feet to an ell corner of said city limits and being an ell corner of this tract;

THENCE S 14°36' E with said city limits, a distance of 2879 feet to a point in the northwesterly right-of-way line of Business Interstate Highway 20 (US Highway 80) and the most easterly southeast corner of said city limits also being a point of deflection of this tract;

THENCE N 59°41' E with the northwesterly right-of-way line of said Business Interstate Highway 20, a distance of 4829 feet to a point near the northwest corner of Section 40, Block 38, T1S and being a point of deflection of this tract;

THENCE S 14°24' E, a distance of 7260 feet to a point in the east line of Section 45, Block 38, T1S and being 1000 feet southerly of the southeasterly right-of-way line of Interstate Highway 20 and being a point of deflection of this tract;

THENCE S 45°05' W 1000 feet southerly and parallel to the southeasterly right-of-way line of said Interstate Highway 20, a distance of 6527 feet to a point in the north line of Section 5, Block 38, T2S and in the south right-of-way line of Farm to Market Road 307 also being a point of deflection of this tract;

THENCE N 76°37' E with the south right-of-way line of said Farm to Market Road 307, a distance of 2882 feet to a point near the northeast corner of a 320 acre City of Midland tract in Section 4, Block 38, T2S and being an ell corner of this tract;

THENCE S14°25' E with the east line of said 320 acre tract, a distance of 5252 feet to a point in the south line of said Section 4 and the north line of Section 9, Block 38, T2S and being an ell corner of this tract;

THENCE N 75°36' E with the north line of said Section 9, a distance of 2768 feet to a point near the northeast corner of said Section 9 and in the west right-of-way South County Road 1140 also being an ell corner of this tract;

THENCE S 14°36' E with the west right-of-way line of said South County Road 1140, a distance of 5313 feet to a point in the north right-of-way line of East County Road 120 and being an ell corner of this tract;

THENCE S 75°56' W with the north right-of-way line of said East County Road 120, a distance of 5150 to a point in the northeasterly right-of-way line of State Highway 158 and being a point of deflection of this tract;

THENCE N 70°55' W with the northeasterly right-of-way line of said State Highway 158, a distance of 4453 to a point near the most southerly southwest corner of a 365.58 acre City of Midland tract as described in Volume 2308, Page 3, Official Public Records of Midland County and the southeast corner of Ralph H White tract also being a point of deflection of this tract;

THENCE N 15°31' W with the east line of said Ralph H White tract and a west line of said City of Midland Tract, a distance of 732 feet to a point near the northeast corner of said Ralph H White tract and being a point of deflection of this tract;

THENCE N 70°36' W with the north line of said Ralph H White tract, a distance of 171 feet to a point near the northwest corner of said Ralph H White tract and in the east line of a 1.00 acre City of Midland tract as described in Volume 2308, Page 3, Official Public Records of Midland County and being a point of deflection of this tract;

THENCE S 15°31' E with the west line of said Ralph H White tract and the east line of said 1.00 acre City of Midland tract, a distance of 733 feet to a point in the northeasterly right-of-way line of said State Highway 158 and being a point of deflection of this tract;

THENCE N 70°55' W with the south line of said 1.00 acre City of Midland tract and the northeasterly right-of-way line of said State Highway 158, a distance of 415 feet to the southwest corner of said 1.00 acre City of Midland tract and being a point of deflection of this tract;

THENCE N 15°31' W with the west line of said 1.00 acre City of Midland tract, a distance of 1252 feet to the northwest corner of said 1.00 acre City of Midland and being a point of deflection of said 365.58 acre City of Midland tract also being a point of deflection of this tract;

THENCE S 75°57' W with a south line of said 365.58 acre City of Midland tract, a distance of 1419 feet to a point in the west line of Section 8, Block 38, T2S and being an ell corner of this tract;

THENCE N 14'10' W with the west line of said Section 8, a distance of 1274 feet to a point near the northwest corner of said Section 8 and being an ell corner of this tract;

THENCE N 75°49' E with the north line of said Section 8, a distance of 36 feet to a point near the southeast corner of Section 6, Block 38, T2S and being an ell corner of this tract;

THENCE N 14'12' W with the east line of said Section 6, a distance of 2124 feet to a point 1000 feet southerly of the southeasterly right-of-way line of said Interstate Highway 20 and being a point of deflection of this tract;

THENCE S 44°40' W southerly and parallel to the southeasterly right-of-way line of said Interstate Highway 20, a distance of 3968 feet to a point in the Midland city limits and being a point of deflection of this tract;

THENCE S 14°09' E with said city limits, a distance of 611 feet to the most southerly southeast corner of said city limits and being an ell corner of this tract;

THENCE S 75°32' W with the south line of said city limits, a distance of 10,595 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 14°23' E with the said city limits, a distance of 750 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°29' W with said city limits, a distance of 677 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 14°32' E with said city limits, a distance of 781 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°24' W with said city limits, a distance of 1675 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE N 14°23' W with said city limits, a distance of 1041 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°29' W with said city limits, a distance of 1000 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE N 14°23' W said city limits, a distance of 500 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°37' W with said city limits, a distance of 3137 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 14°18' E with said city limits, a distance of 570 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°42' W with said city limits, a distance of 1660 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE N 14°18' W with said city limits, a distance of 567 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°37' W with said city limits, a distance of 3390 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 15°02' E with said city limits, a distance of 709 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 74°54' W with said city limits, a distance of 1040 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 15°03' E with said city limits, a distance of 90 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°34' W with said city limits, a distance of 1064 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE N 14°40' W with said city limits, a distance of 817 feet to an ell corner of said city limits and being an ell corner of this tract;
THENCE S 75°44' W with said city limits, a distance of 559 feet to a point of curvature of said city limits and this tract;
THENCE around a curve to the left in a southwesterly direction and with said city limits, said curve having a radius length of 10,509 feet, a delta angle of 16°04', an arc length of 2947 feet and a chord length of 2937 feet bearing S 67°42' W to a point of tangency of said city limits and this tract;
THENCE S 59°40' W with said city limits, a distance of 6362 feet to the Point of Beginning, containing approximately 54,050 acres of land, more or less.
Bearings, distances and coordinates are relative to the Texas Coordinate System, 1983 NAD, Central Zone based on City of Midland's G.I.S Digital Map.

SECTION 3. (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b) The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c) The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, the lieutenant governor, and the speaker of the house of representatives within the required time.

(d) All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act are fulfilled and accomplished.

SECTION 4. (a) Section 9016.111, Special District Local Laws Code, as added by Section 1 of this Act, takes effect only if this Act receives a two-thirds vote of all the members elected to each house.

(b) If this Act does not receive a two-thirds vote of all the members elected to each house, Subchapter C, Chapter 9016, Special District Local Laws Code, as added by Section 1 of this Act, is amended by adding Section 9016.111 to read as follows:

Sec. 9016.111. NO EMINENT DOMAIN POWER. The district may not exercise the power of eminent domain.

(c) This section is not intended to be an expression of a legislative interpretation of the requirements of Section 17(c), Article I, Texas Constitution.

SECTION 5. Except as provided by Section 4 of this Act, this Act takes effect September 1, 2011.

Amendment No. 1 was adopted.

HB 3862 (by W. Smith), A bill to be entitled An Act relating to temporary directors and the continuation in existence of the Harris County Municipal Utility District No. 510. (V. Taylor recorded voting no.)

HB 3862 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE CALLEGARI: Mr. Smith, a couple of questions, I know you're quite familiar with water districts, MUD districts, management districts—could you explain very briefly how they work and the tax implications of those? For instance, are you aware that in every MUD district there is a board of directors that functions very much like a city council that makes decisions as to any issues related to tax or other issues in that district?

REPRESENTATIVE W. SMITH: Yes, I am aware of that.

CALLEGARI: And are you aware also that the citizens of that district are able to elect people to that board of directors, just as they would a mayor or city council of a city, and that those people duly represent the people just like we do?

W. SMITH: That's correct. There's customarily five, I think, on the water boards and they are elected by the people that are in that water district.

CALLEGARI: And are you aware that local—that water districts are probably the best example of local control of any other governmental entity that we have? The fact that the people on the board see and talk to their neighbors on a day-to-day basis—

W. SMITH: The people that are on the board are users. It's generally a more compact area that they represent, but they're the water users and the sewer users, and the rate payers, and they hire the folks that operate the plant, the folks that design the plant, the folks that assess the taxes—I mean, it's as local as you can get—it's like a small city.

CALLEGARI: And are you aware that the people who live in the district know, when they buy a home or a piece of property, that they live in the district, and there will be a tax—just like if they move into the city, they know that there will be a tax.

W. SMITH: That's right.

HCR 55 (by Flynn), Designating Canton as the official Home of the World Famous First Monday Trade Days.

HCR 83 (by Pitts), Redesignating the Lake Whitney area as the Getaway Capital of Texas.

CSHCR 84 (by Cain, White, et al.), Designating 42 as the official State Game of Texas.

HCR 117 (by Parker), Designating Roanoke as the Unique Dining Capital of Texas.

HCR 130 (by Button, Madden, and Carter), Designating the city of Richardson as the official International Business Capital of North Texas.

HR 243 (by C. Howard), Expressing opposition to **HR 3424** and to any other tax proposal that would limit the use of reinsurance by non-U.S.-based insurance companies.

HR 680 (by Landtroop and Veasey), Recognizing **SB 481**, 81st Texas Legislature, Regular Session, 2009, as the Justin Little Rail Crew Safe Transportation Act.

HR 930 (by C. Howard), Endorsing Taiwan's participation as an observer in the International Civil Aviation Organization and the United Nations Framework Convention on Climate Change. (Simpson recorded voting no.)

HB 3422 (by Lozano), A bill to be entitled An Act relating to the use of auction proceeds from the sale of abandoned motor vehicles, watercraft, or outboard motors to compensate certain property owners. (Harper-Brown recorded voting no.)

Amendment No. 1

On behalf of Representative Lozano, Representative Guillen offered the following amendment to **HB 3422**:

Amend **HB 3422** by striking the following SECTION and renumbering SECTIONS of the bill accordingly:

~~SECTION 2. Section 683.015(g), Transportation Code, is repealed.~~

Amendment No. 1 was adopted.

SB 1806 (S. Miller - House Sponsor), in lieu of **HB 3799**, A bill to be entitled An Act relating to timely filing of a surplus lines policy; providing penalties. (Carter and V. Taylor recorded voting no.)

Representative S. Miller moved to lay **HB 3799** on the table subject to call, and the motion prevailed.

HR 1981 - ADOPTED

(by Raymond)

Representative Raymond moved to suspend all necessary rules to take up and consider at this time **HR 1981**.

The motion prevailed.

The following resolution was laid before the house:

HR 1981, Congratulating Destiny Dawn Bailey of John B. Alexander High School in Laredo on her selection as the 2011 Youth of the Year by the United States Border Patrol.

HR 1981 was adopted.

On motion of Representative Guillen, the names of all the members of the house were added to **HR 1981** as signers thereof.

REMARKS ORDERED PRINTED

Representative Callegari moved to print remarks between Representative W. Smith and Representative Callegari on **HB 3862**.

The motion prevailed.

HR 1563 - PREVIOUSLY ADOPTED

(by Phillips)

The chair laid out and had read the following previously adopted resolution:

HR 1563, Honoring Texas Department of Transportation executive director Amadeo Saenz, Jr., for his service.

On motion of Representatives Gallego, McClendon, and Y. Davis, the names of all the members of the house were added to **HR 1563** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Phillips who introduced Amadeo Saenz, Jr., and his wife, Geraldine.

COMMITTEE GRANTED PERMISSION TO MEET

Representative J. Davis requested permission for the Committee on Economic and Small Business Development to meet while the house is in session, at 2 p.m. today, in 3W.9, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Economic and Small Business Development, 2 p.m. today, 3W.9, for a formal meeting, to consider pending business.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Phillips requested permission for the Committee on Transportation to meet while the house is in session, at 2 p.m. today, in 3W.15, to consider pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Transportation, 2 p.m. today, 3W.15, for a formal meeting, to consider pending business.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 28).

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Land and Resource Management, upon first adjournment today, Desk 58, for a formal meeting, to consider **SB 1922**.

COMMITTEE GRANTED PERMISSION TO MEET

Representative Pickett requested permission for the Committee on Defense and Veterans' Affairs to meet while the house is in session, at 1 p.m. today, in 3W.15, to consider **SB 1766** and pending business.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Defense and Veterans' Affairs, 1 p.m. today, 3W.15, for a formal meeting, to consider **SB 1766** and pending business.

ADJOURNMENT

Representative Frullo moved that the house adjourn until 12:35 p.m. today.

The motion prevailed.

The house accordingly, at 12:22 p.m., adjourned until 12:35 p.m. today.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 28

HB 11, HB 734, HB 965, HB 1064, HB 1300, HB 1889, HB 1901, HB 1952, HB 1953, HB 2131, HB 2503, HB 2831

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1**MESSAGE FROM THE SENATE**

SENATE CHAMBER

Austin, Texas

Friday, May 13, 2011

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 161

Taylor, Larry

SPONSOR: Hegar

Recalling **HB 1951** from the senate to the house.

Respectfully,

Patsy Spaw

Secretary of the Senate